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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

MAYER ROSNER,

Defendant.
-----X

19-CR-497 (02) (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On February 18, 2021, the Court held an in-person hearing pursuant to *Faretta v. California*, 422 U.S. 806 (1975), for Defendant Mayer Rosner, who was present with Federal Defenders Susanne Brody and Jason Ser. As explained below, the Court grants Defendant's request to waive his right to counsel and represent himself pro se and appoints his current counsel to serve as "standby" counsel.

The Sixth Amendment guarantees a criminal defendant the right to self-representation. *Id.* at 818-21. For a defendant to exercise his constitutional right to proceed pro se and waive counsel, the trial court must determine that the defendant is competent and that the waiver is made voluntarily, as well as "knowingly and intelligently." *Id.* at 835, 836 (citation omitted); see *United States v. Culbertson*, 670 F.3d 183, 193 (2d Cir. 2012); *United States v. Fore*, 169 F.3d 104, 108 (2d Cir. 1999).

During the *Faretta* hearing, the Court observed the Defendant's behavior, demeanor, and history; verified that—though his primary language is Yiddish and he has no formal English or secular education—he is able to understand spoken English, read English, and write in English with assistance, and he understands the charges against him; and explained to him and confirmed

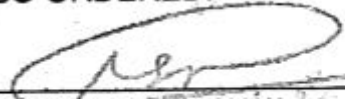
his understanding of his right to counsel and the ramifications of waiving that right to represent himself in this matter.

The Court determines that the Defendant (1) understands the nature of the proceedings and has the ability to consult with counsel and assist counsel in preparing a defense and is therefore competent to stand trial; (2) understands that he has the right to an attorney throughout these proceedings, (3) has the mental capacity to conduct trial proceedings by himself and put on his own defense at trial is therefore competent to waive his right to counsel, and (4) clearly and unequivocally waives his right to counsel knowingly, intelligently, voluntarily, and unequivocally.

Accordingly, the Court grants Defendant's request to proceed *pro se*, that is, to represent himself in this criminal case from this day on, and appoints Federal Defenders Susanne Brody and Jason Ser, as "standby" counsel. The Court reiterates to Mr. Rosner that as he represents himself, he is required to comport with courtroom protocols and procedure, including the Federal Rules of Criminal Procedure and the Federal Rules of Evidence. Standby counsel are directed to mail a copy of this order to *pro se* Defendant and to file proof of service on the docket.

Dated: February 26, 2021
White Plains, New York

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE